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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MERCHANT & GOULD (MICROSOFT)			BOTTS, MICHAEL K	
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MINNEAPOLIS, MN 55402-0903			PAPER NUMBER	
			2176	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,516

Applicant(s)

JONES ET AL.

Examiner

Michael K. Botts

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This document is a Final Office Action on the merits. This action is responsive to the following communications: Amendment, which was filed on March 29, 2006.

2. Claims 1-22 are currently pending in the case, with claims 1, 11, and 16 being the independent claims.

3. The Abstract of the Disclosure is objected to.

4. The specification was objected to regarding the listing of computer code.

Applicant has appropriately deleted the code for submission on compact disc and made appropriate reference to the compact disc in the specification. However, the submission of the compact disc was defective.

5. Claims 1-22 are rejected.

Information Disclosure Statement

6. Applicants filed a document designated as an Information Disclosure Statement on May 7, 2006. The document filed is not in the form of an information disclosure statement, and does not provide sufficient information for the Examiner to review and consider the information provided. The document presents factual evidence relating to the patentability of the invention without proper affidavit support. Accordingly, the document is acknowledge as having been received, but has not been considered by the Examiner.

Abstract of the Disclosure

The abstract of the disclosure is objected to because of the use it does not accurately reflect the invention claimed. The statement that the invention "may be manipulated on a server or anywhere even when the application creating the ML document is not present" is not claimed, and is essentially inherent in the markup language itself. In addition, the statement that the invention fields "may be manipulated when the ML document is parsed by other applications," similarly identifies a property of a markup language, rather than that of the invention itself. Finally, the statement that "field definition information (i.e. properties) are save in a markup language (ML) document without data loss, while allowing the filed structures to be parsed by ML-aware applications and to be read by ML programmers" also merely states inherent properties of the markup language, rather than stating a concise description of the invention. Correction is required. See MPEP § 608.01(b).

The Specification

7. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of U.S. filed applications in the specification should also be updated where appropriate.

8. Applicants submitted a compact disc containing the computer code previously submitted in the written application. Applicants have amended the specification to reflect that the code is contained on the compact disc. However, the code on the

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compact disc submitted by the Applicants does not conform to the standards set forth in 37 CFR 1.96(c), as required in the Non-Final Office Action. Specifically, the data submitted on the compact disc is not in American Standard Code for Information Interchange (ASCII) format. In addition, only one copy of the compact disc was submitted, instead of the two that are required. Additionally, the compact disc was supplied with deficient packaging. See, 37 CFR 1.96(c)(3)(i).

Applicant is required to file a computer program listing appendix on compact discs in compliance with 37 CFR 1.96(c).

Claims Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Case Western Reserve University (CRWU), "Introduction to HTML," Case Western Reserve University and Eric A Meyer, March 4, 2000, last downloaded by the Examiner on December 21, 2005, from:
web.archive.org/web/20000304042655/http://www.cwru.edu/help/introHTML/toc.html, downloaded pages 1-157, [hereinafter "CRWU"].

Regarding **independent claim 1**, CWRU teaches:

A method for representing list information in a markup language document, comprising:
determining properties corresponding to a list that relates to at least one section of an application document;
mapping the properties of the list into at least one of a markup language element, an attribute, and a value; and
storing the properties of the list in the markup language document.

(See, CWRU, downloaded pages 1-2 and 5-6, teaching a list with properties and attributes relating to at least one section of the document that are mapped to a markup language and that were inherently stored, because they were downloaded by the Examiner from web.archive.org, as identified above.)

Regarding **dependent claim 2**, CWRU teaches:

The method of Claim 1, further comprising determining whether the list is a picture bulleted list.

(See, CWRU, downloaded pages 74-82 teaching picture bulleted lists.)

Regarding **dependent claim 3**, CWRU teaches:

The method of Claim 2, wherein a specified element and attribute are included to store the picture bullet image information and picture bullet identifier when the list is a picture bullet list.

(See, CWRU, downloaded pages 1-2, 5-6, and 74-82, teaching various bulleted lists, with those taught on pages 74-82 being picture bullet images and having elements but no attributes, and those on pages 1-2 and 5-6 teaching elements and attributes, but with standard bullets.)

Regarding **dependent claim 4**, CWRU teaches:

The method of Claim 1, further comprising determining whether the list is a new list within the application document, wherein the list is a new list when the application document includes a previously presented list within the document.

(See, CWRU, downloaded pages 61-62 and 68-70, teaching new list material to days of the week list.)

Regarding **dependent claim 5**, CWRU teaches:

The method of Claim 4, further comprising providing a list override such that the instances and definitions of the new list and the previously presented list are separated when stored in the ML file.

(See, CWRU, downloaded pages 61-82 teaching the creation of various list types and the separate storing of those lists. It is inherent in the teachings of CWRU that the various lists may be edited to add new lists and may be stored separately.)

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Regarding **dependent claim 6**, CWRU teaches:

The method of Claim 1, wherein mapping the properties further comprises mapping a level tag that corresponds to the level of an item within a list.

(See, CWRU, downloaded pages 62-64 and 68-71, teaching levels of items within a list.)

Regarding **dependent claim 7**, CWRU teaches:

The method of Claim 6, wherein the level tag allows the list to define the indentation of a level and the character used to represent the level.

(See, CWRU, downloaded pages 61-82 teaching setting level indentation.)

Regarding **dependent claim 8**, CWRU teaches:

The method of Claim 1, further comprising:
determining properties corresponding to an additional list that relates to at least one section of the application document;
mapping the properties of the additional list into at least one of a markup language element, an attribute, and a value;
including a list override to separate the instance of the list and the additional list; and
storing the properties of the additional list in the markup language document.

(See, CWRU, downloaded pages 1-2 and 5-6 teaching separate lists with elements and attributes stored.)

Regarding **dependent claim 9**, CWRU teaches:

The method of Claim 1, wherein the properties of the list stored in the markup language document are understood by an application that understands the markup language when the list is not native to the application.

(It is noted that the term “native” is not explicitly defined in the application. It is believed that the applicants intended the term “native” in this claim to be used as it was understood by one of ordinary skill in the art at the time of the invention. For reference, see, Microsoft Computer Dictionary, Fifth Edition, 2002, definition of “native file format,” which states: “The format an application uses internally to process data. The application must convert files in other formats to the native format before it can work with them. For example, a word processor might recognize text files in ASCII text format, but it will convert them to its own native format before it displays them.”

See, CWRU, downloaded page 27, teaching writing the data, inherently including lists, in ASCII, saving it, and opening it in another program, such as one of many Web browser programs.)

Regarding **dependent claim 10**, CWRU teaches:

The method of Claim 1, wherein the markup language document is manipulated on a server to substantially reproduce the list of the application

document notwithstanding the presence of an application that generated the markup language document.

(See, CWRU, downloaded page 27, teaching saving the file to a Web server.)

Regarding **independent claim 11**, CWRU teaches:

A computer-readable medium for representing list definitions and instances in a markup language document, comprising:

determining properties relating to a list used within a word-processing document;

determining whether the list is a new list that follows a previously determined list;

including a list override when the list is a new list such that the instance of the list is separated from the instance of the previously determined list;

writing the properties into at least one of a markup language element, an attribute, and a value; and

storing the properties in the markup language document such that the list is substantially maintained when the markup language document is parsed by an application.

(See, CWRU, downloaded pages 1-2 and 5-6, teaching a list with properties and attributes relating to at least one section of the document that are mapped to a markup language and that were inherently stored, because they were downloaded by the Examiner from web.archive.org, as identified above.

See also, CWRU, downloaded pages 61-62 and 68-70, teaching new list material to days of the week list.

See also, CWRU, downloaded pages 61-82 teaching the creation of various list types and the separate storing of those lists. It is inherent in the teachings of CWRU that the various lists may be edited to add new lists and may be stored separately.)

Regarding **dependent claim 12**, claim 12 is rejected on the grounds used in rejection of claim 11 above, and claim 12 additionally incorporates substantially similar subject matter as that claimed claim 9 above, and is additionally rejected along the same rationale as used in the rejection of claim 9.

Regarding **dependent claim 13**, claim 13 is rejected on the grounds used in rejection of claim 11 above, and claim 13 additionally incorporates substantially similar subject matter as that claimed claim 10 above, and is additionally rejected along the same rationale as used in the rejection of claim 10.

Regarding **dependent claim 14**, claim 14 is rejected on the grounds used in rejection of claim 11 above, and claim 14 additionally incorporates substantially similar subject matter as that claimed claim 2 above, and is additionally rejected along the same rationale as used in the rejection of claim 2.

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Regarding **dependent claim 15**, claim 15 is rejected on the grounds used in rejection of claim 11 above, and claim 15 additionally incorporates substantially similar subject matter as that claimed claim 3 above, and is additionally rejected along the same rationale as used in the rejection of claim 3.

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Claims Rejection – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over CWRU as applied to claims 1-15 above, and further in view of Lemay, Laura, "Teach Yourself Web Publishing with HTML 4 in 14 Days, Professional Reference Edition," Second Edition, Sams.net Publishing, 1997, pages 778-789, [hereinafter "Lemay"].

Regarding **independent claim 16**, CWRU in view of Lemay teaches:

A system for representing list definitions and instances in a markup language document, comprising:

an application that is configured to:

determine properties relating to a list included in at least one section of an application document;

map the properties into at least one of a markup language element, an attribute, and a value; and

store the properties in the markup language document; and a validation engine configured to validate the markup language document.

(See, CWRU, downloaded pages 1-2 and 5-6, teaching a list with properties and attributes relating to at least one section of the document that are mapped to a markup language and that were inherently stored, because they were downloaded by the Examiner from web.archive.org, as identified above.

See also, CWRU, downloaded pages 61-62 and 68-70, teaching new list material to days of the week list.

See also, CWRU, downloaded pages 61-82 teaching the creation of various list types and the separate storing of those lists. It is inherent in the teachings of CWRU that the various lists may be edited to add new lists and may be stored separately.

CWRU does not explicitly teach a validation engine configured to validate the markup language document.

Lemay teaches the use of a validation engine to validate markup language code. CWRU and Lemay are analogous because they are from the same field of endeavor of instructive texts in the creation and manipulation of markup language code. It would have been obvious to one of ordinary skill in the art to validate a markup language document with a validation engine. The suggestion or motivation for combining markup language code with a validation engine is implicitly stated in CWRU. See, CWRU, downloaded page 27, second full paragraph, teaching testing the code. The suggestion or motivation for combining markup language code with a validation engine is explicitly stated in Lemay. See Lemay, pages 778-789.)

Regarding **claims 17-22**, claims 17-22 are rejected on the grounds used in rejection of claim 16 above, and claims 17-22 additionally incorporate substantially similar subject matter as that claimed claims 12-15, 4, and 5 above, respectively, and are additionally rejected along the same rationale as used in the rejections of claims 12-15, 4, and 5.

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Response to Arguments

Applicants' arguments filed March 29, 2006 have been fully considered, but they are not persuasive.

Regarding the objection to the Abstract:

Applicants traverse the objection arguing that the Abstract "does not require that which is new in the art to which the invention pertains" to be included in a concise statement. Quoting from the form paragraph which reminds Applicant of the proper content of the abstract of the disclosure, Applicant argues further that the use of the word "should include," in the form paragraph, makes merely optional the disclosure of what is "new in the art to which the invention pertains."

The Examiner disagrees.

As stated in the Rules: "The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure." See, 37 CFR 1.72.

In the case of the present disclosure, the Applicant describes properties of markup languages, not properties of the invention. The abstract, therefore, is not sufficient to enable the Patent Office and the public to quickly, from a cursory inspection, determine the nature and gist of the technical disclosure, the invention. Accordingly, the abstract in its present form does not meet the purpose of the abstract, and is therefore objected to.

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Regarding the objection to the Specification:

Applicant argues that it has properly submitted the computer code from the specification in a compact disc format.

The Examiner disagrees.

The Examiner believes the Applicant made a good faith attempt to properly submit the computer code on compact disc, but the disc is not acceptable in the present format. The Applicant has submitted a compact disc. However, the code on the compact disc submitted by the Applicants does not conform to the standards set forth in 37 CFR 1.96(c), as required in the Non-Final Office Action. Specifically, the data submitted on the compact disc is not in American Standard Code for Information Interchange (ASCII) format. In addition, only one copy of the compact disc was submitted, instead of the two that are required. Additionally, the compact disc was supplied with deficient packaging. See, 37 CFR 1.96(c)(3)(i).

Regarding the rejections of claims 1-15, generally:

Applicants argue that the reference, CWRU, is "complex and shows inventions other than the applicants." Further, Applicants argue that "The pertinence of the reference is also not clear because the elements of the claims have not been associated corresponding sections of the code listing." See, Amendment, page 8.

The Examiner disagrees.

Each claim cites to individual pages within the reference and identifies the applicability of the cited reference to the limitations claimed.

Regarding the rejection of claim 1:

First: Applicants argue that CWRU “fails to teach or suggest a method for representing list information in a markup language document, comprising: determining properties corresponding to a list that relates to at least one section of an application document; mapping the properties of the list into at least one of a markup language element, and attribute, and a value; and storing the properties of the list in the markup language document.” See, Amendment, page 9, first paragraph.

The Examiner disagrees.

The language quoted in the Applicants’ argument is a quotation of the limitations specified in claim 1. The cited reference teaches the list that relates to at least one section of the document, on pages 1 and 2. The reference teaches mapping the properties of the list into a markup language, the Hyper Text Markup Language (HTML). Finally, as stated in the rejection, the fact that the document was downloaded from archives.com indicates inherently that the document had been stored in the markup language.

Second: Applicants argue that the items in the list are not determined and thus are “not be” subsequently determined for mapping.

The Examiner disagrees.

It is noted that the term “determined” is not specially defined in the specification. The specification uses the term “determined” within the context of decision block 520, which states: “determine lists and properties.” See, figure 5, element 520. The

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disclosure elaborates on element 520 as follows: After start block 510, the process flows to block 520 where the list information within a document such as a word-processor document, is determined. The list information used within a document may include many different types of list such as bulleted lists and numbered lists, including those that are not natively supported by later applications parsing the document.” See, disclosure, page 21, lines 16-22.

As used in the context of the specification, the limitation of “determined” is read as merely identifying the list as bulleted, numbered, etc.

CWRU teaches that the list is “determined” in that the type of list is registered as such in the HTML code and is capable of being reproduced. In the case of the cited example, CWRU, pages 1-2 and 5-6, the list is determined to be bulleted and is stored in HTML code in memory as such.

The fact of whether the list items are bulleted or numbered turns on whether the list is ordered (numbered) or unordered (bulleted). HTML, as taught in CWRU, teaches both the ordered and unordered lists, which are identified and saved as such. See, CWRU, pages 5-6, showing HTML code for and and compare with the text as taught on pages 1-2. The fact that the code is stored and repeated properly as ordered or unordered lists, numbered or bulleted, means that there is a method for determining and storing such information in the HTML document. See also, CWRU, pages 60-64, “Chapter 4: Lists,” teaching the ordered or unordered lists, numbered or bulleted.

Regarding the rejection of claim 2:

First: Applicants argue that claim 2 is allowable at least for the reasons argued for claim 1.

The Examiner disagrees.

For the reasons cited in rejection of claim 1, above, in addition to the reasons cited in rejection of claim 2, above, claim 2 is not in a condition of allowability.

Second: Applicants argue that CWRU “fails to teach or suggest determining whether the list is a picture bulleted list.” Applicant’s argue further that CWRU “does not determine whether the list is a picture bulleted list, but merely teaches a novice programmer how to code lists.” See, Amendment, page 9.

The Examiner disagrees.

The determination is taught in the use of the tag , as taught on pages 12-, 5-6, and explained in detail at CWRU, pages 60-64, “Chapter 4: Lists,” teaching the unordered (bulleted) lists.

As noted above, the picture bulleted list is clearly taught by CWRU. In addition, in response to Applicants’ argument that the reference is not valid because it “merely teaches a novice programmer how to code lists,” it is noted that the reference is even more effective in that it goes beyond merely teaching the limitation to one of ordinary skill in the art, it teaches one of only limited skill.

Regarding the rejection of claim 3:

First: Applicants argue that claim 3 is allowable at least for the reasons argued

for claim 2.

The Examiner disagrees.

For the reasons cited in rejection of claim 2, above, in addition to the reasons cited in rejection of claim 3, above, claim 3 is not in a condition of allowability.

Second: Applicants argue that CWRU “fails to teach or suggest that a specified element and attribute are included to store the picture bullet image information and picture bullet identifier when the list is a picture bullet list. See, Amendment, page 10.

The Examiner disagrees.

It is noted that an “element,” is defined in the specification as follows: “The term ‘element’ refers to the basic unit of an ML document. The element may contain attributes, other elements, text, and other building blocks for an ML document.” See, disclosure, page 3. The Applicant’s definition is consistent with that which was known to one of ordinary skill in the art at the time of the invention. As somewhat more clearly defined, yet consistent with the Applicants’ definition, the term “element” is defined as follows: “In markup languages such as HTML and SGML, the combination of a set of tags, and content contained between the tags, and any attributes the tags may have.” See, Microsoft Computer Dictionary, Fifth Edition, Microsoft Press, 2002, definition of “element.”

It is also noted that the term “attribute” is defined in the specification as follows: “The term ‘attribute’ refers to an additional property set to a particular value and associated with the element.” See, disclosure, page 4. The Applicant’s definition is consistent with that which was known to one of ordinary skill in the art at the time of the

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invention. As somewhat more clearly defined, yet consistent with the Applicants' definition, the term "attribute" is defined as follows: "In markup languages such as SGML and HTML, a name-value pair within a tagged element that modifies certain features of that element." See, Microsoft Computer Dictionary, Fifth Edition, Microsoft Press, 2002, definition of "attribute." Further, and specific to the prior art reference cited against claim 3, the Microsoft Computer Dictionary defines the term "HTML attribute" as follows: "A value within an HTML tag that assigns additional properties to the object being defined. Some HTML editing software assigns some attributes automatically when you create an object such as a paragraph or table."

CWRU specifically teaches that the element, the text within the tags and will automatically associate an attribute of a bullet. See, CWRU, page 61, markup for a simple list and the printout of the markup. The HTML shown which associates the element with the attribute and which produces the output shown may be saved, a process which is inherent with HTML text.

Regarding the rejection of claim 4:

First: Applicants argue that claim 4 is allowable at least for the reasons argued for claim 1.

The Examiner disagrees.

For the reasons cited in rejection of claim 1, above, in addition to the reasons cited in rejection of claim 4, above, claim 4 is not in a condition of allowability.

Second: Applicants argue the CWRU "fails to teach or suggest determining

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whether the list is a new list within the application document, wherein the list is a new list when the application document includes a previously presented list within the documents.” Applicants argue further that “This is significant because CWRU does not include a specified element and attribute to store the picture bullet image information and picture bullet identified when the list is a picture bullet list that has properties that are determined as in claim 1.” See, Amendment, pages 10-11.

The Examiner disagrees.

As discussed above, the only properties “determined” as in claim 1, is whether the list is bulleted or not. As discussed above in rejection to claim 1, the determination of whether the list is bulleted or not is determined by the attributes associated with either the unordered lists, tags, which associate bullets, or the ordered lists, tags, which associate numbered lists. If the list elements are contained within and tags, then the list will be determined to have an attribute of being associated with bullets.

Regarding the rejection of claim 5:

First: Applicants argue that claim 5 is allowable at least for the reasons argued for claim 4.

The Examiner disagrees.

For the reasons cited in rejection of claim 4, above, in addition to the reasons cited in rejection of claim 5, above, claim 5 is not in a condition of allowability.

Second: Applicants argue that CWRU “fails to teach or suggest providing a list

override such that the instances and definition of the new list and the previously presented list are separated when stored in the ML file.

The Examiner disagrees:

The introduction of a new list into a previously presented list is taught on pages 61-61, wherein the time list is introduced into the previously presented date list. these are taught as nested lists. The nested lists shown are obviously stored separately because the automatically assigned bullet attributes are different between the lists, which means that the lists are separate elements and therefore are stored separately.

Regarding the rejection of claim 6:

First: Applicants argue that claim 6 is allowable at least for the reasons argued for claim 1.

The Examiner disagrees.

For the reasons cited in rejection of claim 1, above, in addition to the reasons cited in rejection of claim 6, above, claim 6 is not in a condition of allowability.

Second: Applicants argue that CWRU fails to teach or suggest mapping properties by mapping a level tag that corresponds to the level of an item within a list. See, Amendment, pages 11-12.

The Examiner disagrees.

CWRU, page 62, teaches that nesting inherently is a level tag. Inner nest lists are at a separate level to the outer net. In addition, the ordered list <OR> tag inherently maps the data to the appropriate level.

Regarding the rejection of claim 7:

Applicants argue that claim 7 is allowable at least for the reasons argued for claim 6.

The Examiner disagrees.

For the reasons cited in rejection of claim 6, above, in addition to the reasons cited in rejection of claim 6, above, claim 6 is not in a condition of allowability.

Regarding the rejection of claim 8:

Applicants argue that claim 8 is allowable at least for the reasons argued for claim 1.

The Examiner disagrees.

For the reasons cited in rejection of claim 1, above, in addition to the reasons cited in rejection of claim 8, above, claim 8 is not in a condition of allowability.

Regarding the rejection of claim 9:

First: Applicants argue that claim 9 is allowable at least for the reasons argued for claim 1.

The Examiner disagrees.

For the reasons cited in rejection of claim 1, above, in addition to the reasons cited in rejection of claim 9, above, claim 9 is not in a condition of allowability.

Second: Applicants argue that the wayback machine is not a timely reference to

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the document.

The Examiner disagrees.

As stated in the quote. "Some HREF's on this page have been rewritten by the wayback machine of the internet archive in order to preserve the temporal integrity of the session." The meaning is not that the reference is no longer correct, but rather merely that the references are corrected to accurately reflect the document at the time. In effect, the document is made more correct by the corrections made by the wayback machine.

Finally, an "HREF" is defined as "short for hypertext reference. An attribute in an HTML document that defines a link to another document on the Web." See, Microsoft Computer Dictionary, Fifth Edition, Microsoft Press, 200, definition of "HREF." No HREF's were cited in the rejection of the claims.

Regarding the rejection of claim 10:

Applicants argue that claim 10 is allowable at least for the reasons argued for claim 1.

The Examiner disagrees.

For the reasons cited in rejection of claim 1, above, in addition to the reasons cited in rejection of claim 10, above, claim 10 is not in a condition of allowability.

Regarding the rejection of claim 11:

First: Applicants argue that claim 11 is allowable at least for the reasons argued

for claim 1.

The Examiner disagrees.

For the reasons cited in rejection of claim 1, above, in addition to the reasons cited in rejection of claim 11, above, claim 11 is not in a condition of allowability.

Second: Applicants argue that prior art cited on pages 61-82 contains code from the post-critical date because it comes from archive.com.

The Examiner disagrees.

Downloaded pages 61-82 contains text from the CWRU reference that is dated by archives.com to a valid date of March 2, 2000. In addition, the rejection also identifies additional pages of text from CWRU that are also validly dated by archive.com at the same date, March 2, 2000, which is more than one-year prior to the earliest effective filing date of the present application of June 28, 2002, pursuant to 35 U.S.C. 102(b).

Regarding the rejection of claim 12:

Applicants argue that claim 12 is allowable at least for the reasons argued for claim 9.

The Examiner disagrees.

For the reasons cited in rejection of claim 9, above, in addition to the reasons cited in rejection of claim 12, above, claim 12 is not in a condition of allowability.

Regarding the rejection of claim 13:

Applicants argue that claim 13 is allowable at least for the reasons argued for claim 10.

The Examiner disagrees.

For the reasons cited in rejection of claim 10, above, in addition to the reasons cited in rejection of claim 13, above, claim 13 is not in a condition of allowability.

Regarding the rejection of claim 14:

Applicants argue that claim 14 is allowable at least for the reasons argued for claims 2 and 11.

The Examiner disagrees.

For the reasons cited in rejection of claims 2 and 11, above, in addition to the reasons cited in rejection of claim 14, above, claim 14 is not in a condition of allowability.

Regarding the rejection of claim 15:

Applicants argue that claim 15 is allowable at least for the reasons argued for claims 3 and 11.

The Examiner disagrees.

For the reasons cited in rejection of claims 3 and 11, above, in addition to the reasons cited in rejection of claim 15, above, claim 15 is not in a condition of allowability.

Regarding the rejection of claims 16-22:

First: Applicants argue that the references of CWRU and Lemay “singly or in motivated combination, fail to teach or suggest to a method for representing list information in a markup language document, comprising: determining properties corresponding to a list that relates to at least one section of an application document; mapping the properties of the list into at least one of a markup language element, an attribute, and a value; and storing the properties of the list in the markup language document.”

The Examiner disagrees.

The language quoted in the Applicants' argument is a quotation of the limitations specified in claim 1. As stated in the rejection of claim 1, CWRU teaches the list that relates to at least one section of the document, on pages 1 and 2. CWRU also teaches mapping the properties of the list into a markup language, the Hyper Text Markup Language (HTML). Finally, as stated in the rejection, the fact that the document was downloaded from archives.com indicates inherently that the document had been stored in the markup language. See, rejection of claim 1, above. No combination of references is necessary to anticipate the limitations quoted. All limitations of claim 1, and as quoted above from claim 16, are taught in CWRU.

Second: Applicants argue that the references are not analogous art “from the same field of endeavor of instructive texts in the creation and manipulation of markup language code.”

The Examiner disagrees.

The references are clearly from analogous art. Both CWRU and Lemay are instructional texts on the use of HTML. Case states specifically in the introduction that the purpose of the work is to teach HTML so that “you will know enough to create a perfectly respectable Web page or five.” See, CWRU, page 14, section heading: “What This Tutorial Is Intended To Do.” There is no question from the title of Lemay that it is a work in analogous art of describing and teaching the operation and use of HTML. The Lemay title is: “Teach yourself Web Publishing with HTML 4 in 14 days.”

Third: Applicants argue that it would not have been obvious to one of ordinary skill in the art at the time of the invention to validate a markup language document with a validation engine.

The Examiner disagrees.

CWRU teaches the that it is advantageous to test code on a variety of browsers. See, CWRU, downloaded page 27, second full paragraph. In addition, Lemay expressly teaches: “The best way to find out whether your pages are correct is to run them through an HTML validator.” Both references teach testing the code. CWRU teaches all the elements of claim 16 except using s code validator, and Lemay teaches writing and testing HTML code specifically using a validator.

Regarding the rejection of claims 17-22:

Applicants argue that claims 17-22 are allowable at least for the reasons argued for claims 16 in combination with claims 12-15, 4, and 5, respectively.

The Examiner disagrees.

For the reasons cited in rejection of claims 17-22 in combination with claims 12-15, 4, and 5, respectively, above, in addition to the reasons cited in rejection of claims 17-22, above, claims 17-22 are not in a condition of allowability.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS for the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday through Friday 8:00-4:00 EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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